

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JAMES MARTIN,

Plaintiff,

**NOTICE OF MOTION**

vs.

CITY OF NEW YORK, et al.

**Civil No. 07-CV-2996**

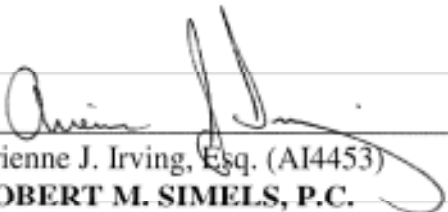
Defendants.

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**PLEASE TAKE NOTICE**, that upon the affidavit of Arienne J. Irving, Esq., sworn to on the 8<sup>th</sup> day of November, 2007, a motion pursuant to FRCP 15(c)(3) and pursuant to FRCP 4(m) will be made before the Hon. Alvin K. Hellerstein, USDJ, at the United States Courthouse, 500 Pearl Street, New York, New York at a date and time to be determined by the Court for an order granting leave to plaintiff to serve the proposed *first* amended complaint as presented herein and to enlarge the time to serve defendants for good cause shown. The grounds for this motion are fully set forth in the accompanying attorney affirmation.

The above entitled action is brought by the plaintiff for violations of his rights as guaranteed by the 8<sup>th</sup> Amendment to the United States Constitution.

DATED: November 8, 2007  
New York, New York

  
Arienne J. Irving, Esq. (AI4453)

**ROBERT M. SIMELS, P.C.**

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